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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------------|------------------|
| 10/649,220 | 08/25/2003 | Kenneth Brazell | OWT 0192 PUS / PTG 1083 P | 5412 |
| 22045 | 7590 | 07/27/2005 | EXAMINER DEXTER, CLARK F | |
| BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075 | | | ART UNIT 3724 | PAPER NUMBER |

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/649,220 | Applicant(s) BRAZELL, KENNETH | |
| | Examiner Clark F. Dexter | Art Unit 3724 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 and 15-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-14 and 18-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1/21/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group II (claims 12-14 and 18-27) in the reply filed on April 26, 2005 is acknowledged. Claims 1-11, 15-17 and 28 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

Information Disclosure Statement

2. The information disclosure statement filed on January 21, 2004 has been received and the references listed thereon have been considered.

Drawings

3. The drawings are objected to because of the following informalities:

In Figure 6, numeral 52 appears to be inaccurate, and it seems that it should be changed to --14--, and numeral 52, which indicates the projection, should be added; also, it seems that a numeral (e.g., 61) should be added to indicate the lightly cross-hatched element positioned between the darker cross-hatched element and the wave spring 58.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:

On page 3, line 10, "the collapsible stand" appears to be inaccurate, and it seems that it should be changed to --one of the attachment configurations-- or the like.

On page 6, line 30, and on page 7, line 2, "pivot block projection 52" is inaccurate since the term "pivot block projection" along with numeral 52 have already been used to indicate the feature projecting from pivot block 48 (e.g., see Figure 2-3), and it suggested to change "52" to --61-- or the like, and to provide an appropriate name for the feature being described.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12-14 and 18-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen, pn 5,645,259 in view of Talesky, pn 6,182,935.

Chen discloses an apparatus with almost every structural limitation of the claimed invention including a collapsible stand but lacks a bench top power tool, specifically a portable table saw, and lacks a first and second series of attachment configurations. Talesky discloses a bench top power tool, specifically a portable table saw, and includes a first (e.g., 20) and second (e.g., 27, 37, 41) series of attachment configurations spaced about the central axis for mounting the table saw on the collapsible stand, and teaches that it is known in the art to provide table saws on stands, for example, at construction sites. This provides obvious benefits such as providing a stable and elevated base on which to support the table saw and facilitate operation thereof. Therefore, it would have been obvious to one having ordinary skill in the art to provide a table saw as well as the first and second attachment configurations on the stand of Chen for the well known benefits including that described above.

Regarding claims 19 and 21, the combination lacks a locking mechanism. However, the Examiner takes Official notice that such locking mechanisms are old and well known in the art and provide various known benefits including preventing the

inadvertent removal of one component from another. Therefore, it would have been obvious to one having ordinary skill in the art to provide such a locking mechanism (e.g., a simple lever/latch that extends from and is substantially parallel to the top surface 33 of feature 27 and is pivotably extendable over the bottom edge of the saw base to prevent inadvertent removal of the saw base therefrom) on the attachment configuration of Talesky for the well known benefits including that described above.

Regarding claim 20, the combination lacks the specific attachment configurations, specifically a series of pivot blocks defined as projections on the stand, and a series of saw base bores. However, Talesky can be broadly interpreted as having a series of pivot blocks defined as projections on the saw base, and bores on the stand. Thus, the difference between the claimed invention and the structure taught by the prior art is merely a matter of reversal of parts, which has long been held to be an obvious expedient. Therefore, it would have been obvious to one having ordinary skill in the art to simply reverse the parts as set forth in the claimed invention to achieve substantially the same results in the substantially the same manner.

7. Claims 12-14 and 18-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Talesky, pn 6,182,935 in view of Chen, pn 5,645,259.

Talesky discloses an apparatus with almost every structural limitation of the claimed invention including a bench top power tool, specifically a portable table saw, and includes a first (e.g., 20) and second (e.g., 27, 37, 41) series of attachment configurations spaced about the central axis for mounting the table saw on the collapsible stand. However, Talesky lacks the specific collapsible stand configuration.

Chen discloses such a collapsible stand and teaches that the stand, among other things, is convenient to erect and store and is suitable for use outdoors. Therefore, it would have been obvious to one having ordinary skill in the art to provide the table saw of Talsky with a stand having the configuration disclosed by Chen for the benefits taught by Chen including that described above.

Regarding claims 19 and 21, Talesky lacks a locking mechanism. However, the Examiner takes Official notice that such locking mechanisms are old and well known in the art and provide various known benefits including preventing the inadvertent removal of one component from another. Therefore, it would have been obvious to one having ordinary skill in the art to provide such a locking mechanism (e.g., a simple lever/latch that extends from and is substantially parallel to the top surface 33 of feature 27 and is pivotably extendable over the bottom edge of the saw base to prevent inadvertent removal of the saw base therefrom) on the attachment configuration of Talesky for the well known benefits including that described above.

Regarding claim 20, Talesky lacks the specific attachment configurations, specifically a series of pivot blocks defined as projections on the stand, and a series of saw base bores. However, Talesky can be broadly interpreted as having a series of pivot blocks defined as projections on the saw base, and bores on the stand. Thus, the difference between the claimed invention and the structure taught by the prior art is merely a matter of reversal of parts, which has long been held to be an obvious expedient. Therefore, it would have been obvious to one having ordinary skill in the art

to simply reverse the parts as set forth in the claimed invention to achieve substantially the same results in the substantially the same manner.


Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571)272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clark F. Dexter
Primary Examiner
Art Unit 3724

cfd
July 15, 2005